

REMARKS

By this Amendment, independent claims 49 and 62 have been amended, and claims 63-72 have been cancelled without prejudice or disclaimer. No claims have been newly added. Support for the instant amendments is provided throughout the as-filed application. No new matter has been added. Thus, claims 49-62 and 73-75 remain pending, of which claims 51-55, 57 and 59-61 are withdrawn. In view of the foregoing amendments and the following comments, allowance of all the claims pending in the application is respectfully requested.

As a preliminary matter, Applicant notes that in the previous Response, although claims 51-55, 57 and 59-61 included the "withdrawn" status identifier, the text of these claims was inadvertently omitted from the listing of claims.¹ Applicant has presented the text of these claims in the above listing of claims in accordance with 37 C.F.R. § 1.121. Applicant apologizes for any inconvenience.

INTERVIEW SUMMARY

As a preliminary matter, Applicant would like to express appreciation for the courtesies extended by Examiner Albert Cutler to Applicant's representative during the telephonic interview conducted on July 26, 2010 (hereinafter the "Interview"). The substance of the interview is incorporated into the remarks below and constitutes Applicant's record of the interview.

REJECTIONS UNDER 35 U.S.C. § 103

In the Office Action:

I. Claims 49, 50, 58, 62, 73/49, and 73/62 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,825,408 to Yuyama, *et al.* (hereinafter "Yuyama") in view of U.S. Patent No. 4,190,330 to Berreman (hereinafter "Berreman").

¹ Applicant notes that the Office Action Summary, PTOL-326, did not specifically mention any withdrawn claims.

II. Claim 56 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Yuyama in view of Berreman as applied to claims 49 and 62 above, and further in view of U.S. Patent No. 5,745,289 to Hamblen (hereinafter "Hamblen").

III. Claims 74/49 and 74/62 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Yuyama in view of Berreman as applied to claims 49 and 62 above, and further in view of U.S. Patent No. 5,708,522 to Levy (hereinafter "Levy").

IV. Claims 75/49 and 75/62 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Yuyama in view of Berreman as applied to claims 49 and 62 above, and further in view of U.S. Patent No. 5,052,791 to Kikuchi (hereinafter "Kikuchi").

Applicant disagrees with the propriety of each of these rejection for *at least* the reasons provided in the Response to Non-Final Office Action filed December 23, 2009. However, solely in an effort to expedite prosecution and without acquiescing to the propriety of the rejections, Applicant has amended independent claims 49 and 62 to further clarify aspects of the invention.

As agreed upon during the Interview, the foregoing amendments overcome the current rejections. Accordingly, the rejections of claims 49, 50, 58, 62, 73, 74 and 75 under 35 U.S.C. §103(a) should be withdrawn and the claimed be allowed.

REJOINER

Withdrawn claims 51-55, 57 and 59-61 depend from allowable claim 49. Accordingly, Applicant submits that claims 55-55, 57 and 59-61 should be rejoined and allowed along with independent claim 49. See MPEP § 821.04 ("The propriety of a restriction requirement should be reconsidered when all the claims directed to the elected invention are in condition for allowance, and the nonelected invention(s) should be considered for rejoinder.").

CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

If an extension of time is necessary to prevent abandonment of this application, then such an extension of time is hereby petitioned for under 37 C.F.R. §1.136(a). Any fees required (including fees for net addition of claims) are hereby authorized to be charged to Deposit Account No. 033975 (Ref. No. 050931-0308962).

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Respectfully submitted,

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